

PATENT COOPERATION TREATY

From the
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To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/002777

International filing date (day/month/year)
28.06.2004

Priority date (day/month/year)
30.06.2003

International Patent Classification (IPC) or both national classification and IPC
B60N2/64

Applicant
THE WAY TO WIN LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/002777**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. II Priority

 1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

 2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3, 4, 8-10, 14-18, 20, 24
	No: Claims	1, 2, 5-7, 11-13, 19, 21-23
Inventive step (IS)	Yes: Claims	18
	No: Claims	3, 4, 8-10, 14-17, 20, 23
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/002777**A. Re Item V.****1. Claim 1**

Document US6447058 (D1) discloses (the references in parenthesis applying to this document):

A seat portion (40) for a seat, which seat portion comprises a first part which is made of a first plastic foam material of a first density, and a second part (38) which is made of a second plastic foam material of a second and different density (see passages referred to in the search report).

The present application does thus not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

2. Claim 3

The subject-matter of claim 3 differs from the seat portion known from D1 in that the insert comprises a pair of pads positioned under the posterior of the seating person and a pair of legs positioned under the thighs of the seating person.

However, it is known to place inserts in these position in the seating portion of a seat (see for instance US6098000 (D2), figure 1), as these positions are of specific importance for the comfort of a seating person.

The skilled person would therefore regard it as a normal option to include this feature in the seating portion described in document D1 in order to improve the comfort of the seating person.

The subject-matter of claim 3 does thus not involve an inventive step in the sense of Article 33(3) PCT.

3. Claim 4

An insert having curved faces which engage complementary curved faces in the recess is described in document US4726086 (D3) (see figure 12). The skilled person would therefore regard it as a normal design option to include this feature in the seating portion.

The subject-matter of claim 4 does thus not involve an inventive step in the sense of Article 33(3) PCT.

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4. Claims 22 and 23

The subject-matter of claims 22 and 23 is known from US3612607 (D4) (see figure 2).

The subject-matters of claims 22 and 23 are therefore not new in the sense of Article 33(2) PCT.

5. Claims 2, 5 to 17 and 19 to 21 and 24

Dependent claims 2, 5 to 17 and 19 to 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the specific features of these claims being either known from D1, or generally known from the man skilled in the art.

6. Claim 18

The subject-matter of claim 18 differs from the seat described in D1 by the conical shape of the rectilinear support part.

This shape provides a better support to the seating person, and is not known nor suggested by the available prior art.

The subject-matter of claim 18 is therefore novel and inventive (Articles 33(2) and 33(3) PCT).

B. Re Item VII.

6. Prior art description

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D2, D3 and D4 is not mentioned in the description, nor are these documents identified therein.

7. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

B. Re Item VII.

8. Independent claims

Claim 22 comprises all the features of claim 1 and is therefore not appropriately

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formulated as a claim dependent on the latter (Article 6 and Rule 6.4 PCT).

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